

JAP QUESTION
DISCUSSED BY
WESTERN MAN

War With Asiatic Country
Not Expected by People
in California, Says
Theodore A. Bell.

GUEST OF ROTARY
CLUB AT LUNCHEON

Claims State Has Best Con-
ception of Trouble—West
at One Time Almost
in Their Control.

War between the United States
and Japan over the immigration
question is not expected by the peo-
ple of California, according to The-
odore A. Bell, a San Francisco at-
torney, who spoke at the weekly
luncheon of the Rotary club at the
Oliver hotel Wednesday noon. Mr.
Bell was elected to congress in 1903
and in 1906 was the democratic
candidate for governor of California.
In 1908 he was the temporary chair-
man of the democratic national
convention at Denver.

"This is a day when people are
supposed to be num and let those
in authority do the talking," said
Mr. Bell. "Someone has said that
the world is on fire and this is the
time to get out the hose-carts and
put out the fire. California is not
trying to cause an unnecessary
trouble. That state has a nearer
view of the Japanese question and
the general opinion of the country
is that California is trying to foment
trouble.

"Will Irwin's poll of California
taken several years ago showed that
the mere 75,000 Japanese in Cali-
fornia. An Oriental born in this
country is an American citizen,
whether his parents were or not,
and as such has a right to all the
privileges of citizenship. He can
vote and he can hold office.

Have 800 Chinese.
"In San Francisco there is a
Chinese voting population of be-
tween 800 and 1,000 and it is a fac-
tor in every city and state election
held. The danger lies in the fact
that they are a prolific people. They
are using many different methods
to get others of their people into
this country. At the time that the
school board established special
schools for them, separate from the
whites, there was a great danger of
those people becoming powerful in
this country. In my opinion they
could have controlled every foot of
ground west of the Rocky moun-
tains.

"That segregation order of the
school board should never have
been revoked by the government at
Washington with the threat that if
necessary the army and navy would
be used to require the state to an-
null it. The people of California are
willing to make sacrifices and I don't
believe they will ever commit an
overt act that will plunge this coun-
try into war with Japan.

No Japan Treaty.
"In the last treaty that was made
with Japan, that country demanded
that it be given the 'favored nation'
clause, that it have all the rights
that are accorded any of the great
powers of the world. President Taft
approved the treaty and it was rat-
ified by the senate. Strange as it
may seem there is no act prohibiting
Japanese immigration. Mr. Taft and
the Japanese mikado entered into
(CONTINUED ON PAGE FIVE)

TEUTON TRENCHES
ARE BOMBARDED

International News Service.
BERLIN, Feb. 2.—A tremendous
bombardment of the German posi-
tions in Champagne and the Vosges,
has been opened by the French, ac-
cording to an official report issued
by the German war office today.

Lens is again being shelled by
the allies.

The text of the official statement
follows:
"West front—Enemy artillery is
showing great activity in Champagne
and also east of St. Die in the Vos-
ges. Lens is again being shelled. A
French aeroplane has been shot
down southwest of Chaunoy. The oc-
cupants, both of whom were wound-
ed, were made prisoners.

International News Service.
PARIS, Feb. 2.—It is learned
from German sources that street
fighting has occurred in Danzig and
Piedgoritz in southern Montenegro,
says a war office communique today.

The capture of Danzig and Pied-
goritz by the Austro-Hungarians was
announced by the Austrian war
office last week.

Is too Early For
Groundhog Says
Weather Prophet

Despite occasional snow flurries,
a cold bleak northeasterly wind, and
a temperature that failed to get
over the 17 above zero mark, the
ground hog Wednesday saw his
shadow. He came out, shivered,
looked around, saw the tell-tale evi-
dence of 49 more days of winter
and skurried back into his hole.

Henry Swaim, government weather
observer, takes issue with the little
forecaster, the ground hog. Mr.
Swaim believes it is too cold and too
early by about three weeks in this
latitude for the animal to discon-
tinue his hibernating. "Consoling,"
said Mr. Swaim, "but that is not an
indication that there won't be the
40 more days of winter."

The temperature ranged from nine
above early in the morning to 17
above at noon as a maximum. Flur-
ries of snow fell during the morning,
and black clouds gathered in the
west several times, but there was no
decided change in the weather.
B-r-r-r! Fifteen above, and the
ground hog saw his shadow. Chances
of a premature spring seem doomed.

FIRST OPEN AIR
SCHOOL STARTS

Four Pupils Are Being Taught
by Miss Ethel McDonald
at Healthwin.

In a small shack very meagerly
furnished and equipped the nucleus
of St. Joseph county's first open air
school has been begun at the Anti-
tuberculosis hospital. School open-
ed Monday and the pupils number
four. They are all little girls and
patients at the hospital. Their
teacher is Miss Ethel McDonald, a
graduate of South Bend high school
who had been prepared to teach be-
fore her health failed.

One of the shacks which housed
patients before the present hospital
was erected has been converted into
a school room by the installation of
desks for pupils and teacher. Dur-
ing the school hours from 9 o'clock
to 11:30 each morning the windows
of the shack are left wide open and
the children, warmly bundled in
coats and hoods, do all their study-
ing and reciting practically in the
open air, so that their progress to-
ward health may not be delayed nor
their schooling neglected while they
are confined to the hospital.

Two of the children are in the
fourth grade and two in the fifth.
Miss McDonald is covering in her
instruction all the common school
branches, devoting one day to an-
group of studies and the next to an-
other. The equipment of the little
school room is very slight indeed. It
lacks a blackboard and maps and
many other small things which are
considered necessities in the modern
school room, but interest in the work
has already been aroused in the city
and it is probable that these needs
will soon be supplied.

CIVIC CLUBS TO HEAR
PRIMARY LAW TALKS

Both Democrat and Republican
Speakers to be on
Program.

Talks on the new Indiana primary
law to be given by representatives
of the democratic, republican and
progressive parties are being ar-
ranged by the municipal recreation
department for the various civic
clubs of the city. The first one will
be given by Roland Obenchain at the
meeting of the Coquillard
Parents-Teachers' club at the school
Thursday night, although the speaker
will not take the question up from
any political angle.

It is thought that by giving all of
the parties a chance to talk on the
primary law no partisanship will be
shown and that the people will get
all sides of the act. This series of
talks will take the place of those on
government that was given by Shep-
herd Leffler, who has resigned.

Community singing at Coquillard
school Thursday night will be led
by Mrs. Fern Parker Wilson. A one-
act comedy will be presented by
Helen Kromer, Phyllis Beyer and
Ottie Beyer. Julius Beyer will give
a piano solo.

WILL GET CLEAR TITLE

Title to the property of the Coun-
try Club Holding Co., where the golf
links and club house of the new
country club is to be located, on the
sight of the Milliken farm near
Chain lakes, has been quieted in
circuit court. As was expected there
was no contest to the action, and the
suit was merely brought to relieve
the cloud on the title.

JACKSON NAMED.
Irvin Jackson was appointed
as a member of the park board
by Mayor F. W. Keller Wednesday.
Mr. Jackson will serve for a term
of four years. He has already
served two and one-half years on
the park board having been appointed
to fill the vacancy left by the
death of Simon Greenbaum.

MANY TOWNS
ALONG RIVER
UNDER WATER

Eight People Loose Lives in
Floods in Arkansas, Mis-
sissippi and Lou-
isiana.

PROPERTY LOSS NEAR
\$10,000,000 MARK

Six Hundred Convicts Are
Still Marooned on the
Penitentiary Farm at
Cummins, Ark.

International News Service.
MEMPHIS, Tenn., Feb. 2.—Eight
lives lost and property damage, to
the extent perhaps of \$10,000,000
was the result today of the floods
that were sweeping sections of Ark-
ansas, Mississippi and Kentucky.
Hundreds of head of livestock have
been drowned and there is much
suffering among thousands of people
rendered homeless.

Arkansas has been the worst suf-
ferer. In that state railroad traffic
was demoralized in many sections
and telegraph and telephone wires
were down in every direction. Lev-
ees on the Mississippi and tributary
streams have broken in many places,
flooding thousands of acres of rich
farming land and driving people
from their homes.

Six hundred convicts were still
marooned on the penitentiary farm
at Cummins, Ark., efforts of the past
two days to rescue them having
proved ineffectual. The steamer Bay
Queen was sent from Pine Bluff last
night to take the men aboard, but it
returned today without them, the
captain reporting the convicts could
not be reached.

City Under Water.
The city of Pine Bluff, Ark., is
almost entirely under water, with no
trains entering or leaving the city.
The levee there has broken in five
places.

Lake Village, Ark., was under
three feet of water. The muddy wa-
ters of the Mississippi are near the
top of the levee at that place and
a break is feared.

Twenty-five families were rescued
at Red Fork, Ark., early today, after
having been marooned on the roof
of a cotton shed for four days, part
of the time without food. Several of
the rescued were so ill from ex-
posure that death was feared.

A levee protecting the town of
Vernon, Ark., gave way about 1
o'clock this morning, flooding that
town.

The situation at Newport, Ark.,
was even worse than yesterday. Wat-
er stood today six feet in every
street in the almost depopulated
town. The water back of the levees
had frozen during the past 24 hours
and was thick enough today to bear
skaters. Horses and cattle were
found frozen in and had to be
chopped loose from the ice.

Levee Weakens.
Arkansas City, Ark., was partly
under water. The Mississippi levee
was weakening and engineers who
have been on duty for several days
fear a break.

Three hundred men are working
at Lacombe Circle, Ark., to save the
White river levee. If it goes out it
will endanger the city of Helena,
Ark.

Water pouring through a break at
Watson, Ark., today covered Drew,
Ashley, Lincoln, Desho, Chicot and
11 other parishes in northern Loui-
siana. In these sections today more
than 15,000 people were calling for
help. Rescue parties were working
night and day, but their efforts were
greatly hampered by high wind and
strong current.

West Hickman, Ky., was entirely
under water today and more than
half of the town of Hickman was
flooded. The federal government was
reported to be sending provisions to
those places.

Levees from the Missouri state
line to Helena, Ark., were reported
today to be holding.

New Madrid, Mo., was under four
feet of water.

The levee at Carruthersville, Mo.,
was weakening.

Chinese troops are reported to
have engaged in battle the 2,000
Mongolian rebels who are marching
on Peking.

Yuan-Nan province is in the ex-
treme southwestern part of China
and has a population of 12,000,000.

Ships Meet in
Dark; Mystery
Surrounds Fate

International News Service.
HALIFAX, N. S. Feb. 2.—Mystery
surrounds the fate of the American
tank steamer Silver Shell and the
Japanese steamship Takata Maru,
which were in collision late last
night off Cape Race.

A dispatch from the Cape Race
wireless station early today stated it
was feared that both ships had gone
to the bottom and that nothing had
been heard from the crews. Later
the department of marine received
the following message from Cape
Race:

"Have received wireless report
that steamship Takata Maru's en-
gine room and stoke hold are flood-
ed. Takata Maru reported she had
been sending out numerous calls
for assistance and that steamer Sil-
ver Shell was standing by Silver
Shell reported 'all well.'"

STEEL COMBINE
TO HAVE RIVAL

Negotiations For Merger of
Three Big Companies
Are Completed.

International News Service.
NEW YORK, Feb. 2.—Negotia-
tions for the merger of the Cambria
Steel Co., the Lackawanna Steel Co.
and the Youngstown Sheet and Tube
Co., among the largest independent
steel companies in this country, were
completed successfully yesterday af-
ternoon. The new combination will
be incorporated soon with a capital
of \$200,000,000 and will be the first
formidable rival of the United States
Steel corporation.

While formal announcement of
the consummation of the deal will
not be made for a few days, prac-
tically all details have been worked
out by a committee consisting of
Frank A. Vanderlip, president of the
National City bank; Mortimer Schiff,
of Kuhn, Loeb & Co.; James A.
Campbell, president of the Youngs-
town Sheet and Tube Co., and Har-
rison Williams, a capitalist largely
interested in Cambria.

The name of the new corporation
will be the International Steel Co.
James A. Campbell, president of the
Youngstown Co., will become presi-
dent. J. Leonard Replogle is slated
for first vice president.

Just who will be selected for chair-
man of the board could not be
learned. Frank Vanderlip was men-
tioned, but it was learned he would
not consider the appointment. Moses
H. Taylor, head of the Lackawanna
Steel Co., also is mentioned.

Of the \$200,000,000 capital, \$160,-
000,000 will be used for exchange of
old stock for the new and similar
purposes. About \$40,000,000 will be
needed to provide funds for work-
ing capital and paying expenses at-
tending the merger. This will be
arranged through Kuhn, Loeb & Co.

RIOTING IN PORTUGAL

International News Service.
LISBON, Portugal, Feb. 2.—A
dangerous revolutionary outbreak
occurred today.

An attempt was made to assassi-
nate Senor Catracho de Meneses, the
minister of justice, but the shots
fired at him missed.

The residence of the president of
the republic was set on fire.

Troops have been called out to
quell rioting.

Latest in the News World

ARE JUSTIFIED.

International News Service.
WASHINGTON, Feb. 2.—That the
treaty between the United States
and Prussia, ratified in 1799, and
amended in 1828, gives the United
States and Germany the right to
bring their prizes of war into each
other's ports, was the contention set
up in German circles here today to
justify the bringing into Norfolk
harbor of the British steamer Appam.

FORCED TO LAND.
International News Service.
LONDON, Feb. 2.—A zeppelin
airship which raided Paris was dam-
aged so badly by fire from French
aeroplanes that it was forced to
descend at Laon, says an unconfir-
med Central News dispatch from Am-
sterdam today.

RUSS REFUSED.
International News Service.
CONSTANTINOPLE, Feb. 2.—
The following official statement was
issued by the Turkish war office to-
day:

"On the Caucasus front a Russian
battalion attacked a Turkish out-
post, but was repulsed. The enemy
left 260 dead on the battlefield. The
other fronts are unchanged."

ATTACK GHENT.
International News Service.
AMSTERDAM, Feb. 2.—Twenty-
seven allied aeroplanes have at-
tacked Ghent, Belgium, according to
the Echo de Belgique. Ghent is an im-
portant distributing point of the
German army.

TO MEET WILLARD.
International News Service.
NEW YORK, Feb. 2.—Jack Dil-
lon, the Indianapolis fighter, who
last night knocked out Tom Cowler,
was today signed to fight Jess Wil-
lard, heavyweight champion, in
New York between April 10 and
April 22. Dillon was signed up by
Jack Curley and Harry Black.

10,000 PEOPLE
GREET WILSON
DESPITE COLD

Greater Part of Crowd Was
Women Who Were Anxi-
ous to Get a Sight
of Mrs. Wilson.

TAKE LUNCHEON WITH
KANSAS GOVERNOR

First Speech of the Day is De-
livered at Lawrence—Stu-
dents Give Famous
"Jay Hawk" Yell.

International News Service.
TOPEKA, Kas., Feb. 2.—Pres't
Wilson arrived in Topeka at 10 a.
m. today. He and Mrs. Wilson were
met by a large reception committee.
Topeka seemed in a fever of enthu-
siasm over the president's visit. The
crowd at the station jammed all the
nearby streets. It was intensely cold,
but the weather did not freeze the
spirits of the populace.

More than 10,000 people were in
the throngs that greeted the party
here. But by far the greatest part
of the crowd were women and it
was Mrs. Wilson that they craned
their necks to see.

Led by two companies of state
militia the president's party was
taken in open automobiles with the
temperature flitting around zero,
through the streets in parade fash-
ion for nearly an hour.

Streets Are Crowded.
All along the way the crowds
swarmed the streets. They follow-
ed the president's party up Kansas
av., the main thoroughfare. There
was little cheering. The crowd
plainly showed that it was Mrs. Wil-
son that it wanted to see. As the
party neared Gov. Capper's home
several hundred school children who
were grouped there, started cheering
and the first real ovation the presi-
dent received was then. As the
president and Mrs. Wilson left their
automobile and walked up the steps
to Gov. Capper's residence the crowd
that had followed along, broke into
another great cheer which the presi-
dent acknowledged by tipping his
hat. Mrs. Wilson and he were cold
from their long ride in the open car
and they were ushered at once into
the house. The crowd stood around
for quite a while hoping he would
make a short speech, but he did not
leave the house again until he went
to the auditorium to deliver his first
address.

Social Engagement.
The president and Mrs. Wilson
filled their first social engagement
of the trip by dining with Gov. and
Mrs. Capper. The luncheon was a
very quiet one, the only other pres-
ent being Sec'y Lansing, Dr. Gray-
son, Mayor Jay House and wife, and
the president of the Commercial
club.

The acceptance by the president
of the governor's luncheon invita-
tion was regarded with special sig-
nificance. Gov. Capper, a progres-
sive republican, is an out and out
pacifist.

That Pres't Wilson hopes to con-
vert him to the cause of prepared-
ness.

(CONTINUED ON PAGE FIVE)

WITNESSES IN MOHR
CASE ARE ARRESTED

International News Service.
PROVIDENCE, R. I., Feb. 2.—
An anti-climax came in the Mohr
trial today when Atty. Gen. Herbert
Rice caused the arrest of Bessie
Spellman and Gertrude May Daily,
negro wife and sister of Henry
Spellman, one of the co-defendants
on charges of perjury.

They tried to establish an alibi
differing from their jury testimony.
Mrs. Elizabeth Frances Mohr, the
star of the Dr. Charles Franklin
Mohr murder melodrama, had no
part in the forenoon session. It
all concerned the negroes.

TO BOAT SIXKS.
International News Service.
HUNTINGTON, W. Va., Feb. 2.—
Fourteen persons were killed shoot-
ing before noon today when the tow-
boat Sam Brown of the Monongah-
ela River Consolidated Coke and
Coal Co., was destroyed by a boiler
explosion several miles south of this
city.

The boat carried a crew of 34
persons. Of these 24 were picked
up alive by small boats that put out
from the shore. One body has been
recovered.

TO MEET WILLARD.
International News Service.
NEW YORK, Feb. 2.—Jack Dil-
lon, the Indianapolis fighter, who
last night knocked out Tom Cowler,
was today signed to fight Jess Wil-
lard, heavyweight champion, in
New York between April 10 and
April 22. Dillon was signed up by
Jack Curley and Harry Black.

Picked For Supreme Court Bench



Louis D. Brandeis, noted Boston
lawyer and member of several fed-
eral arbitration boards in labor dis-
putes, whose nomination as associ-
ate justice of the supreme court to
fill the vacancy caused by the death
of Justice Lamar, caused an up-
heaval in the senate, is the first Jew
to be proposed for membership to
the supreme court bench.

He was born in Louisville, Ky.,
Nov. 13, 1856, and was educated in
the public schools of Louisville and
in Germany. He was admitted to
the Massachusetts bar in 1878 and
in 1877 received the honorary de-
gree of Master of Arts from Har-
vard university.

He was married to Miss Alice
Goldmark of New York in 1881.

'MAD GUNMAN' IS
HELD AT ALBANY

Harold Severy is Believed to
be Responsible For Mys-
terious Shootings.

International News Service.
ALBANY, N. Y., Feb. 2.—Await-
ing examination by alienists today,
Harold Severy, son of Melvin L.
Severy of Los Angeles, believed to
be the "mysterious gunman" who for
four days terrorized residents of Al-
bany and caused the death of James
Erwin and the serious injury of
three other persons, is being held by
the Albany police. He was arrested
in Schenectady yesterday. No for-
mal charge has been lodged against
Severy yet. The charge probably
will be assault, first degree, accord-
ing to Dist. Atty. Alexander.

The story drawn from Severy after
a grueling cross-examination by the
district attorney and Chief of Police
Hyatt, is fanciful, yet replete with
all the horrors of mental torture.
Severy explained his reasons for hav-
ing used a concealed and curiously
contrived revolver upon his victims,
in a disjointed narrative, covering
five years of aimless, but persistent
flight through fear.

Severy first avowed those whom
he said mocked him after he left his
luxurious home, he is said to have
revealed in his examination. Upon
one occasion he sprang upon one of
those who annoyed him, only to re-
ceive a thrashing. It was then that
Severy determined to resort to the
use of sulphuric acid.

It was learned by Dist. Atty. Alex-
ander that Severy has been in an
insane asylum at Waverly,
Mass., six years ago, where he
was retained for one year. He de-
clared to his inquisitors that he was
not insane. Severy will be arraign-
ed this afternoon.

Count Bernstorff Expected to
Present "Final Word" to
Sec'y Lansing.

International News Service.
BERLIN, Feb. 2.—(Via Sayville
by wireless)—Although it is ad-
mitted that diplomatic relations between
Germany and the United States have
been seriously near a complete rup-
ture it was officially announced today
by the German foreign office that
fresh representations have been
made to Washington by which it is
believed the Lusitania case will be
amicably adjusted.

The following statement was given
out:

"It is true that, on Saturday, the
29th, a telegraphic report from the
German ambassador in Washington
was received in Berlin according to
which it had been found impossible
to adjust the Lusitania case in a
manner satisfactory to both sides
through the medium of friendly
verbal exchanges of views.

"However, instructions have been
transmitted today by telegraph to
the German ambassador in Wash-
ington which give reasonable hope
for a positive understanding."

International News Service.
WASHINGTON, Feb. 2.—Ger-
many's answer to Pres't Wilson's
"last word" that she must disavow
the Lusitania sinking is en route
from Berlin. Count von Bernstorff,
the German ambassador, is now in
Washington waiting to present it to
Sec'y Lansing. He is hopeful that
it will meet the views of the United
States. But administration officials
are seriously apprehensive.

They point out that Sec'y Lan-
sing has made it plain that he and
Pres't Wilson have agreed on the
course of action should the reply be
a refusal. And in the face of a re-
fusal to indicate what that plan is,
officials generally are convinced that
it contemplates a direct warning
that only disavowal will prevent a
break in diplomatic relations.

Teutonic circles continue to believe
that the latest German reply will
present a solution that this govern-
ment can accept. It is pointed out
that there is now no cause to com-
plain of the management of the sub-
marine campaign and that there is
no apparent need for any ultimatum
to settle the points at issue in the
Lusitania case. But until the text
of the Berlin reply reaches here it
is said at the embassy that specu-
lation on what will be done is con-
sidered useless.

Sec'y Lansing denied today that
there was any connection between
the "vacation" of Ambassador Mor-
genthau, who is leaving Constantin-
ople, for a rest and the destruction
of the Persia. While this govern-
ment has asked Turkey whether a
Turkish submarine sank that liner,
this action was taken as a matter of
routine. It is generally believed
that Turkey has had no submarines
in the Mediterranean since shortly
after she entered the war. Accord-
ing to Sec'y Lansing, Morgenthau
has been at his post continuously
ever since he was appointed and has
been granted "vacation leave." He
has not informed the department
whether he will come to this coun-
try, but it is expected that he will
do so.

Colombian Treaty to
Get Favorable Report

International News Service.
WASHINGTON, Feb. 2.—After
reducing the indemnity for taking
over the Panama canal zone from
\$25,000,000 to \$15,000,000 and prac-
tically nullifying the proposed ap-
ology contained therein, the senate
foreign relations committee today
recommended to the senate at the
Colombian treaty be ratified. The
vote in committee was eight to seven
on the motion to report the treaty
favorably. At the same time the
committee by a vote of 10 to three
favorably reported the Nicaraguan
treaty.

FIREMEN USE BOATS.
International News Service.
WASH., Ind., Feb. 2.—Firemen
rowed two blocks to reach a burning
house surrounded by water, but they
arrived too late. All of the house
which protruded from the water was
destroyed.

APPAM CREW
EXPECTED TO
BE INTERNED

British Vessel Captured by
Germans Expected to be
Held Until the End
of the War.

INFORMATION TURNED
OVER TO LANSING

Advisory Board Will Pass on
Case—Great Britain Al-
most Certain to
File Protest.

International News Service.
WASHINGTON, Feb. 2.—All avail-
able information showing the pres-
ent status of the British steamer
Appam, the German war prize now
anchored under the guns of Fort
Monroe, was laid before Sec'y
of State Lansing by the treasury
department today. This consisted
of the report of Collector Hamilton at
Norfolk, the report made to the cus-
toms officers by Lieut. Berge, prize
commander, and other details, the
nature of which were not revealed.
On this information Sec'y Lansing
must decide what finally is to be
done with the vessel.

Meanwhile arrangements are being
completed for landing the British
passengers of the liner. They are to
be turned over to the immigration
authorities and already the British
embassy here has notified the de-
partment of labor that it will care
for all and see that they are sent
forward to their destinations.

Crew to be Landd.

The British crew also will be
landed and then it is expected that
the neutrality board, an advisory
body of officials composed of
James Brown Scott, former solicitor
general of the state department, Capt. Harry
S. Knapp, of the navy general board,
and Capt. J. H. Oliver, head of the
naval intelligence board, will be
asked to pass upon the problems
that generally affect international
law and neutrality and their report
will be used by Sec'y Lansing in
reaching his final decision.

As it is accepted that final deci-
sion on the